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**DETAILED ACTION**

***Allowable Subject Matter***

**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David Casimir on 3/12/10.

The application has been amended as follows:

Amend claims 45 and 47 as indicated below and cancel claim 46.

Claims are shown with previous status indicated. Proposed changes are in ~~strike through~~ (deletion), ~~[[bracket]]~~ (deletion), or underline (addition). The amendment places the elements from dependent claim 46 into independent claim 45. Claims without a proposed amendment are not shown.

45. (previously presented) A ballistics calculator system for computing targeting information to hit a target, comprising a processor, said processor comprising: a ballistics computer program for analyzing information to accurately aim a firearm at a target using a target acquisition device with a reticle, said program using information regarding the target acquisition device and reticle being used, wherein said type of target acquisition device and reticle comprises:

a) a reticle, comprising:

1) a simultaneously visible primary vertical cross-hair and a simultaneously visible primary horizontal cross-hair;

2) ~~[[1]]~~ a plurality of simultaneously visible secondary horizontal cross-hairs intersecting at predetermined distances said ~~[[a]]~~ simultaneously visible primary vertical cross-hair wherein said primary vertical cross hair and said secondary horizontal cross-hairs are selected from the group consisting of etched cross-hairs, engraved cross-hairs, and printed cross-hairs; and

3) ~~[[2]]~~ a plurality of simultaneously visible secondary vertical

- cross-hairs intersecting at predetermined distances at least some of said secondary horizontal cross-hairs wherein said secondary vertical cross-hairs are selected from the group consisting of etched cross-hairs, engraved cross-hairs, and printed cross-hairs; and
- b) an output using an intersection of a least one of said secondary horizontal cross-hairs and at least one of said secondary vertical cross-hairs to identify an aiming point for hitting the target.

~~46. (previously presented) The ballistics calculator system of claim 45, wherein said reticle further comprises a simultaneously visible primary vertical cross-hair and a simultaneously visible primary horizontal cross-hair.~~

47. (previously presented) The ballistics calculator system of claim 45 ~~[[46]]~~, wherein said primary vertical and horizontal cross-hairs intersect at the optical center of the said reticle.

### *Election/Restrictions*

2. Claim 45 is allowable. The restriction requirements, as set forth in the Office action mailed on 9/22/05 and 1/24/08, has been reconsidered in view of the allowability of claims to the elected invention pursuant to MPEP § 821.04(a). **The restriction requirement is hereby withdrawn as to any claim that requires all the limitations of an allowable claim.** Claims 48, 49, 55-72, 81-83, and 85-87, directed to a nonelected species is no longer withdrawn from consideration because the claim(s) requires all the limitations of an allowable claim. In view of the above noted withdrawal of the restriction requirement, applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to

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provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

3. Claims 45-52 and 54-87 are allowed.

4. The following is an examiner's statement of reasons for allowance: the prior art of record does not disclose or reasonably suggest the claimed ballistics calculator system, comprising a processor comprising a ballistics computer program using information regarding a target acquisition device and reticle being used the reticle comprising a simultaneously visible primary vertical and horizontal cross-hairs, a plurality of simultaneously visible secondary horizontal cross-hairs intersecting at predetermined distances the primary vertical cross-hair, and a plurality of simultaneously visible secondary vertical cross-hairs intersecting at predetermined distances at least some of the secondary horizontal cross-hairs, the secondary vertical and secondary horizontal cross-hairs consisting of etched, engraved and printed cross-hairs and an output using an intersection of at least one of the secondary horizontal cross-hairs and one of the secondary vertical cross-hairs to identify an aiming point for hitting a target.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle (Shelley) Clement whose telephone number is 571.272.6884. The examiner can normally be reached on Monday thru Thursday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 571.272.6873. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michelle (Shelley) Clement/  
Primary Examiner, Art Unit 3641